

SWM – SWP – P – 137 – Unlawful Disposal Investigations DRAFT MMDDYY

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide the Department's Bureau of Environment staff guidance on how to apply decisions, procedures and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: ??????????

SIGNATURES:

Division Director

Drafter / Preparer

Drafter / Preparer

Reviewer

TABLE OF CONTENTS

| | |
|--|----|
| SECTION 1: INTRODUCTION | 3 |
| SECTION 2: STATUTORY AND REGULATORY AUTHORITY | 4 |
| SECTION 3: COMPLAINT INVESTIGATION PROCEDURES | 5 |
| SECTION 4: ENTERING A COMPLAINT INTO WASTEBIN | 9 |
| SECTION 5: CLOSING A COMPLAINT | 10 |
| SECTION 6: CREATE A SITE AND NRS NUMBER | 11 |
| SECTION 6A: CREATING A SITE AND VERIFYING THAT A SITE DOES NOT ALREADY EXIST | 11 |
| SECTION 6B: CREATING A NRS | 15 |
| SECTION 7: UPLOADING DOCUMENTS INTO WASTEBIN | 19 |
| SECTION 8: UPDATE “RESPONSE RECIEVED” IN WASTEBIN | 21 |
| APPENDIX A ACCESS TO PROPERTY EXAMPLES | 23 |
| APPENDIX B OTHER WASTEBIN INSTRUCTIONS | 25 |

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 1: INTRODUCTION

The purpose of this Standard Operating Procedure (SOP) is to provide a consolidated reference document for use in the training and orientation of employees. This manual also serves as a useful reference tool for more experienced employees. The SOP identifies the technical information and procedural requirements for completing a Complaint Investigation of the unlawful disposal of solid waste. This SOP will delineate the required steps in the process, including responsible personnel, and approximate process milestones. Additional information includes statute and rule authorization, a process flow chart, and supporting documentation (when necessary). This SOP is only intended to describe routine conditions normally encountered with a Complaint Investigation of the unlawful disposal of solid waste. Additional processes and/or irregular conditions that could be involved with conducting a Complaint Investigation of the unlawful disposal of solid waste will be considered independently of this SOP. In such cases, the staff will consult with their supervisor and/or section manager and, as appropriate, the Deputy Director of Field Office Operations.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 2: STATUTORY AND REGULATORY AUTHORITY

Tennessee Statutory Authority

T.C.A. § 68-211-104 – Unlawful methods of disposal.

It is unlawful to:

- (1) Place or deposit any solid waste into the waters of the state except in a manner approved by the department or the Tennessee board of water quality, oil and gas;*
- (2) Burn solid wastes except in a manner and under conditions prescribed by the department and the Tennessee air pollution control board;*
- (3) Construct, alter, or operate a solid waste processing or disposal facility or site in violation of the rules, regulations, or orders of the commissioner or in such a manner as to create a public nuisance; or*
- (4) Transport, process or dispose of solid waste in violation of this chapter, the rules and regulations established under this chapter or in violation of the orders of the commissioner or board.*

T.C.A. § 68-211-110 – Disposal on own land.

This part does not apply to any private, natural person disposing waste generated in such natural person's own household upon land owned by such natural person; provided, that such disposal does not create a public nuisance or a hazard to the public health; however, further provided, that after January 1, 2005, this section shall not exempt a private natural person from this part if that person deposits such household waste in a sinkhole.

Tennessee Regulatory Authority

Rule 0400-11-01-.02(1)(b)

The requirements of this rule apply as specified to operators of facilities in Tennessee. Except as otherwise provided in this rule, no facility can lawfully store, process, or dispose of solid waste unless the operator has a permit.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 3: COMPLAINT INVESTIGATION PROCEDURES

| STEP | RESPONSIBLE PERSON | ACTIVITY |
|------|--------------------|---|
| 1 | EFO Staff | Receive and enter complaint into WasteBin as shown in Section 4. Proceed to step 2. |
| 2 | EFO Staff | If there could be an immediate threat, or management directs, then the complaint must be investigated as soon as possible. (<i>See some situational examples and guidance when investigating sites located on private property in Appendix A.</i>) Otherwise, complaints should be investigated within 20 calendar days, if possible, with a maximum of 30 calendar days from the date a complaint is received. If possible talk with a person on site, and always take pictures for documentation. Is solid waste being disposed on site (Please see DEFINITIONS BOX on page 8 and the Division's Storage of Solid Waste Incidental to Recycling, Reuse, Reclamation or Salvage GUIDANCE – pn136.)? If YES , go to step 3. If NO , go to step 8. |
| 3 | EFO Staff | IS THERE AN EXCLUSION UNDER RULE 0400-11-01-.02(1)(b)3 (e.g. on-site farming wastes, septic tank pumping, natural rock, dirt, stumps, pavement, concrete and rebar, brick rubble, etc.)? If YES , go to step 8. If NO , go to step 4. |
| 4 | EFO Staff | Is the site a business or rental property? If YES , send out the NOV #1 found in Wastebin, create a NRS Number for the site as shown in Section 6, upload documents into WasteBin as shown in Section 7, and close the complaint as shown in Section 5; then go to step 9. If NO , go to step 5. |
| 5 | EFO Staff | Is this a residence, and was the only household waste being disposed at the site generated onsite by the property owner (not a renter)? If YES , go to step 6. If NO , send NOV #1 found in Wastebin, create a site and NRS Number for the site as shown in Section 6, upload documents into WasteBin as shown in Section 7 and close the complaint as shown in Section 5, then go to step 9. |
| 6 | EFO Staff | Is solid waste being disposed in a sinkhole? If YES , send NOV #2 found in Wastebin, create a site and NRS Number for the site as shown in Section 6, upload documents into WasteBin as shown in Section 7, and close the complaint as shown in Section 5; then go to step 9. If NO , go to step 7. |

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

| STEP | RESPONSIBLE PERSON | ACTIVITY |
|------|--------------------|--|
| 7 | EFO Staff | Is the disposal creating a public nuisance or a hazard to public health¹? If YES , send NOV #3 found in Wastebin, create a site and a NRS Number for the site as shown in Section 6, upload documents into WasteBin as shown in Section 7, and close the complaint as shown in Section 5; then go to step 9. If NO , go to step 8. |
| 8 | EFO Staff | No letter has to be sent. If there is a possible violation of another agency's regulations then refer to the appropriate agency. Close the complaint as shown in Section 5 then no further action is required. |

¹ In the legal context, a public nuisance is an unreasonable interference with the rights of the general public. This means that any harm must be to the public (as opposed to a single neighboring landowner that calls in a complaint, for example) and include a demonstrable harm, such as a condition dangerous to public health or that would affect the public right of way.

Circumstances that may constitute a public nuisance include conduct that involves an interference with the public health or public safety that may extend beyond the property where the illegal dump is located. Factors at a site with the potential to be a public nuisance could include:

- Pooling water (e.g., in tires) that could cause a breeding ground for mosquitoes that carry disease
- Sanitary garbage that could attract rats and other wildlife that could carry disease (e.g., raccoons with rabies) or be dangerous (e.g., bears or coyotes)
- The waste is inherently toxic to people or animals, even in small amounts
- Aesthetics, odor, and/or noise

This is a very fact-specific inquiry in which the nature of the waste, location, surroundings, number of people in the area, etc., could play a part. The guidance included herein is merely meant to inform the inquiry and investigation at the site and offer factors to be taken into consideration. More importantly, the facts and details of the site need to be well documented. If a NOV is issued, it needs to include all the relevant supporting facts. It is not necessary to argue in the NOV that a public nuisance exists, but it is important to document the facts and details.

Therefore, any NOV issued for public nuisance must be approved by the Deputy Director of Field Office Operations.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

| STEP | RESPONSIBLE PERSON | ACTIVITY |
|------|--------------------|---|
| 9 | EFO Staff | Does the NOV recipient request to close the solid waste in place under Rule 0400-11-01-.04(8)(g)? If YES , then the Division must determine if the site geology, hydrology, waste types, quantities and other pertinent factors are such that closure in place, under Rule 0400-11-01-.04(8)(g), would not pose a hazard to public health or the environment. The Division may also require monitoring of the site for unpermitted discharges to waters of the state as may be necessary to protect public health and the environment. Before allowing solid waste to be closed in place, discuss with the Deputy Director of Field Office Operations. If the Division determines that closure in place is allowable then send Closure in Place # 1 in Wastebin, upload documents into WasteBin as shown in Section 7, then go to step 10. If the Division determines that closure in place is not allowable then send Closure in Place # 2 in Wastebin, upload documents into WasteBin as shown in Section 7, then go to step 10. If NO , then go to step 10. |
| 10 | EFO Staff | Does the NOV recipient requests an extension to the compliance date? If YES , then the Environmental Field Office Manager (EFOM) may grant one extension and establish a new compliance date in an extension letter. (Additional extensions may only be approved after consultation with the Deputy Director of Field Office Operation). If an extension letter is issued, then upload the letter into WasteBin as shown in Section 7 and update the "Response Received" date for the NOV or the Closure in Place letter as shown in Section 8; then go to step 11. If NO , then go to step 11. |
| 11 | EFO Staff | Within 10 days of the compliance date in the NOV, Closure in Place, or extension letter, conduct a site visit. Is the violation(s) corrected? If YES , document observations in a RTC letter in Wastebin, upload documents into WasteBin as shown in Section 7, and update the "Response Received" date for the NOV, Closure in Place, or extension letter as shown in Section 8 and no further action is required (Closure in Place requires proof that an appropriate notice is put on the deed before the RTC letter can be sent). If NO , send the 2nd NOV found in Wastebin and upload documents into WasteBin as shown in Section 7, then go to step 12. |

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

| STEP | RESPONSIBLE PERSON | ACTIVITY |
|------|--------------------|---|
| 12 | EFO Staff | Does NOV recipient attend the Compliance Review Meeting and agree to a compliance date OR the EFOM allow the NOV recipient to send in a letter agreeing to a new compliance date? If YES , send out Compliance Agreement letter found in Wastebin and input the information as shown in Section 7, then go to step 13. If NO , make another site visit then send 3rd NOV # 1 found in Wastebin to the recipient documenting the failure to attend the meeting or agree to a new compliance date, upload documents into WasteBin as shown in Section 7, update the "Response Received" date for the NOV or extension letter as shown in Section 8, and submit an Enforcement Action Request. |
| 13 | EFO Staff | Within 10 days after the new compliance date in the Compliance Agreement letter, conduct a site visit. Is the violation(s) corrected? If YES , document observations in a RTC letter in Wastebin, upload documents into WasteBin as shown in Section 7, and update the "Response Received" date for the Compliance Agreement letter, as shown in Section 8 and no further action is required (Closure in Place requires proof that an appropriate notice in the deed before the RTC letter can be sent). If NO , send 3rd NOV # 2 to the recipient documenting the failure to attend the meeting or agree to a compliance date, upload documents into WasteBin as shown in Section 7, update the "Response Received" date for the NOV or extension letter as shown in Section 8, and submit an Enforcement Action Request. |

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

DEFINITIONS BOX

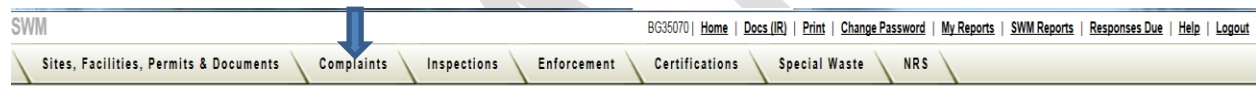
"Solid waste disposal" means the process of permanently or indefinitely placing, confining, compacting, or covering solid waste.

T.C.A. § 68-211-110 states: *Disposal on own land. This part does not apply to any private, natural person disposing waste generated in such natural person's own household upon land owned by such natural person; provided, that such disposal does not create a public nuisance or a hazard to the public health; however, further provided, that after January 1, 2005, this section shall not exempt a private natural person from this part if that person deposits such household waste in a sinkhole.*

Notes: Open burning is processing and only lawful under DSWM statute if authorized by the Division of Air Pollution Control (DAPC) and exempt under 0400-11-01-.02(1)(b)3.

SECTION 4: ENTERING A COMPLAINT INTO WASTEBIN

Open Wastebin and click on **Complaints**



Click on **Add Complaint**



Type in the following information at a minimum in the **Complaint** box (Blue Arrow): Date Received; Received by; How Received; Concerning; Assigned Date; and, Assigned To. Type in the following information at a minimum in the **Location** box (Green Arrow): County; and, Location. Type any available information Complainant box (Yellow Arrow). Type in the description of the complaint in the Complaint Description and Writeup Box (Purple Arrow). When finished entering information, click on **Create** again to save (Red Arrow).

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SWM BG35070 | Home | Docs (IR) | Print | Change Password | My Reports | SWM Reports | Responses Due | Help | Logout

Sites, Facilities, Permits & Documents » Complaints Inspections Enforcement Certifications Special Waste NRS

All SWM Complaints Complaint Investigations not Completed SWM Resource Tracking
No site associated with this complaint.

COMPLAINT

Cancel Create

Complaint Number

Division **SWM**

Date Received

Received by

How Received %

Concerning %

Concerning (Haz Waste & Other)

Assigned By

Assigned Date

Assigned To

Site ID

Complainant

Contact ID

Anonymous ☐ Yes

First Name

Middle Name

Last Name

Company

Address

City

State TN

Zip Code

Phone

Email

Advised on

Advised by %

Location

County %

Other Counties

Site

Location

Site City

Zip

Site Description

Latitude

Longitude

Site Owner

Complaint Description and Writeup

Complaint Description and Writeup

SECTION 5: CLOSING A COMPLAINT

The EFOM or his/her designees are to close complaints. Open Wastebin and click on **Complaints**. Open the complaint by clicking on the correct **ID**.

SWM BG35070 | Home | Docs (IR) | Print | Change Password | My Report

Sites, Facilities, Permits & Documents » Complaints Inspections Enforcement Certifications

Complaint Investigations not Completed SWM Resource Tracking

Report Type

☐ Classic

☒ Interactive

Add Complaint

Go 1. Primary Report

This query returns more than 10,000 rows, please filter your data to ensure complete results.

1 - 15 of 10000

| ID | Div | Site_ID | Site | Facility ID | EFO | County | Complainant | Anon | Received | Concerning | Staff | Investigator |
|-------|-----|---------|-----------------|-------------|-----|--------|-------------|------|----------|------------|-------|--------------|
| 40687 | | | DUPLICATE ENTRY | | | | | | | | | |

Enter the **Date Investigated** (Blue Arrow); Select **"No Jurisdiction"**, **"No Problem Found"**, **"NOV"**, **"Referred to Another Agency"**, OR **"Corrected (No NOV)"** in **Status** (Green Arrow); Document your observations in **Status Detail** (why there is no jurisdiction, no problem, NOV or referred to another agency – Yellow Arrow) then click on **Apply Changes** (Red Arrow). Request that the complaint be "Closed". The person closing the complaint will need to select the **Date Closed** (Purple Arrow) and then click on **Apply Changes** (Red Arrow).

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SWM

Sites, Facilities, Permits & Documents » Complaints Inspections Enfo

All SWM Complaints Complaint Investigations not Completed SWM Resource Tracking

No site associated with this complaint.

Create Site Printable Version Copy Complaint

COMPLAINT

Complaint Number 40929 Cancel Delete Apply Changes

Division SWM

Date Received 06-SEP-16

Received By DLR - Daniel Reed (423-385-5431)

How Received Phone

Concerning Illegal Dumping

Concerning (Haz Waste & Other)

Assigned By

Assigned Date 06-SEP-16

Assigned To DLR - Daniel Reed (423-385-5431)

Site ID

Location

County Carter EFO - Johnson City

Other Counties

Site Fair Haven Ministries

Location 2198 Roaring Creek Rd, Roan Mountain, TN 37687

Site City

Site Description Non-profit

Latitude Longitude

Site Owner Fair haven Ministries

Investigation

Date Investigated 07-SEP-16

Status No Problem Found

Status Detail Co-investigated with APC (Amanda Davis) on separate trips. Amanda talked to property owner who had a dumpster on site at the time of both of our inspections. The box had been ordered last week and they were just using the piles as a staging area to prepare for loading. It will be taken to Carter County DML. No problem found.

Responsible Party 331 or 800

Resp Party Phone

Date Closed 07-SEP-16

Referred To

Date Referred

Created by BG35098 (Daniel.L.Reed@tn.gov)

Last updated 07-SEP-16 by BG35098 (Daniel.L.Reed@tn.gov)

SECTION 6: CREATE A SITE AND NRS NUMBER

Items to know!

1. If a Complaint yields a NOV, it must have an associated NRS Number.
2. A NRS Number must have a Site.
3. Therefore, in order to issue an NOV, you must either:
 - a. Add an NRS to an existing Site; or
 - b. Create a new Site, and add the NRS to it.

SECTION 6a: CREATING A SITE AND VERIFYING THAT A SITE DOES NOT ALREADY EXIST

The TDEC definition of a Site: a location, parcel, or other area of land that contains one or more permitted features, environmental features, facilities, enforcement locations, or any other items that may be of interest to TDEC. Sites are shared among all TDEC Divisions and Programs.

1. Login
2. Click "Sites, Facilities, Permits & Documents"

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

3. Make sure the “Sites” radio button is selected

A search filter menu titled "Search" with a list of radio buttons. The "Sites" option is selected, indicated by a filled circle. The other options are General, Permits, Contacts, Documents, HazWaste Facilities, and Solid Waste Facilities, all with empty circles.

4. Verify that the Site does not already exist. As Sites are shared by TDEC Divisions; often APC, DWR, or other Divisions have already created Sites for a location you are interested in, especially if it is a business that might have another TDEC permit. Sometimes DSWM Enforcement or someone else within DSWM has created a Site.

Example: A NOV is to be issued at All Star Recycling Inc. 460 Craighead St, Nashville TN. Urban sites are sometimes harder to verify than rural sites, and there will be many TDEC sites already in the system. It is best to type a partial address and then select the County of interest. In this case you would enter Davidson County and the Street #. Click “Apply Filter” after completing these two fields.

A "Search conditions" form with various input fields. The "County" dropdown is set to "Davidson" and the "Location" text field contains "460". Other fields include "EFO %", "Site", "City", "Latitude", "Longitude", "Comments", "Display Rows" (set to 15), and "SITE_ID". At the bottom are buttons for "Clear Filter", "Apply Filter", and "Create New Site".

Below is the list of returns.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

1 - 15

| Site ID | Site Name | Location |
|------------------------|--|---|
| 109805 | Crystal Farms | 4604 & 4618 Cato Rd. |
| 84194 | Rhone Poulenc | 4600 Centennial Blvd. |
| 83712 | TMG#230 d/b/a Tiger Market | 4601 Lebanon Road |
| 70385 | W.R. Grace Zonolite Facility | 4601 Powell Avenue |
| 69089 | Shelbyville Warehouse, LLC | 460 Jones Lane |
| 60952 | Litton Middle School Renovations and Additions | 4601 Hedgewood Dr. |
| 58286 | Pickney Residence | 4604 Dakota Ave. and 7640 River Road |
| 57109 | Baptist Sports Park | 460 Great Circle Rd. |
| 53187 | All Star Recycling Inc. | 460 Craighead Street |
| 43210 | Buffets Holdings, Inc. | 1460 Buffet Way, MN |
| 39560 | McCabe Park Community Center | 4601 Murphy Road |
| 26459 | Pondigger Properties Maintenance Facility | 4601 Ashland City Highway |
| 4899 | Innophos, Inc. (formerly Stauffer Chemical) | 4600 Centennial Boulevard (mailing PO Box 1130) |
| 3172 | Volunteer Thread Co Inc | 460 Allied Drive |
| 3142 | Plus Printing Inc | 460 Woodycrest Ave |

In this case, the search returned 15 matches, including the correct match for All Star Recycling. We always suggest searching using only a partial address. In this case, if you had search for "450 Craighead St." you would have gotten no matches, as Street was spelled out and did not have a "." after the "t". (Another way to check if a site already exists is to pick a known site near your complaint. Go to the site page and drag the map to the complaint location. Click on the triangles around the complaint location.)

5. If the Site already exists, as in the Example, then you need to do nothing else, unless you would like to verify the location is correct or make other edits. Be careful making any changes, as this may affect another Division's workflow in rare cases. However, if details in an existing Site are obviously incorrect, please correct them.
6. If you cannot find the Site, then create one. Remember that if it's a medium to large industry, or you suspect it has some sort of TDEC permit, then continue to try other searches as it may be in the database under a different address or name. Partial searches are always the best way to search.
7. Click "Create Site"
8. Enter the County, Name, and Street Address and Click Create.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Data entry for sites

☐ County

☐ Site name

☐ Site Location

9. Once you click Create, your new Site will be the last one created. It may be at the top of the list or you may need to search for it to find the ID number. Take note of the ID number; write it down somewhere for future reference. At this point it's a good idea to click on the Site ID number and add more info if you have it.

row(s) 1 - 15 of more than 50000 [Next](#)

| Site ID | Site Name | Location |
|------------------------|--|--------------------------|
| 111677 | Pat Flood's Outdoor Outfitters and Environmental Catastrophe Dumping Site | 312 Rosa L. Parks Ave. |
| 111676 | Verizon Wireless Tennessee Partnership d/b/a Verizon Wireless PRIMM SPRINGS | 10605 Highway 7 |
| 111675 | Verizon Wireless Tennessee Partnership d/b/a Verizon Wireless PREMIER | 5900 Frankin Road |
| 111674 | Verizon Wireless Tennessee Partnership dba Verizon Wireless Ropers Knob | 459 Duke Drive |
| 111673 | Verizon Wireless Tennessee Partnership d/b/a Verizon Wireless Oliver Springs | 884 Old Harriman Highway |
| 111672 | Title property | 45 Thornburg Lane |
| 111671 | Verizon Wireless Tennessee Partnership d/b/a Verizon Wireless Ocoee | Chilhowee Mountain Radic |
| 111670 | Verizon Wireless Tennessee Partnership d/b/a Verizon Wireless OAK RIDGE MALL | 201 East Tulsa Road |
| 111669 | Verizon Wireless Tennessee Partnership dba Verizon Wireless Rockford | 2917-D Patrick Avenue |

10. Having a location for the Site is always useful. Use the Locator Map to determine a Lat/Long for the location; this is also a quick way to get a postal code and to normalize the street address. Enter the Address and City and Zip (if you have it) in the locator, and in most cases it will return a fairly accurate point. Click Zoom

Before:

Locator Map

[Map Help](#)

Click map to select lat/lon values.

Lat

Lon

Add

City

Zip

County, Watershed & Parcel

After:

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

The image shows a web interface titled "Locator Map". It contains several input fields and buttons. On the left, there are fields for "Lat" (36.163892) and "Lon" (-86.784846), with "Zoom" and "Copy Data" buttons below them. In the center, there are fields for "Add" (312 ROSA L PARKS AV), "City" (NASHVILLE), and "Zip" (37203), with "Zoom" and "Copy Data" buttons below them. On the right, there is a section titled "County, Watershed & Parcel" with a "Copy Data" button. A "Reset Map" button and a "Map Help" link are at the top left. A instruction "Click map to select lat/lon values." is also present.

Click Copy Data on both boxes to copy the data over to the Site Information Screen. **Then press Apply Changes.**

11. At this point you can add any additional information you would like. Note there is an Add Complaint box near the bottom of the screen. If you have already created a complaint, then don't click this box; it will just create another one. If you are making a complaint on an existing facility or for some reason created the Site first, which is rarely the case, you may use this box. **Creating the complaint from the complaint tab is the normal procedure in most cases.**

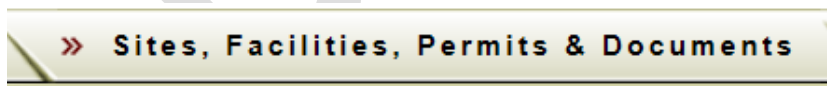
The image shows a section titled "Complaints". Below the title, it says "no data found". At the bottom of the section is a button labeled "Add Complaint".

12. **Final Thoughts: DO NOT Create a Duplicate Site.**

SECTION 6b: CREATING A NRS

After you create or identify the Site that you wish to use for the NRS, navigate to the Site. You can do this by:

1. Clicking on Sites, Facilities, Permits & Documents from the top most menu.



2. Make sure Sites is selected in the Search Box.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Search

☐ General

☒ Sites ←

☐ Permits

☐ Contacts

☐ Documents

☐ HazWaste Facilities

☐ Solid Waste Facilities

3. Partial name searches combined with county filters are always helpful, OR simply use a known Site ID.

Search conditions

EFO % County Description

Site Location

City

Latitude Longitude

Comments

Display Rows SITE_ID ←

4. Click on the Site ID of the Site you intend to place the NRS on.

1 - 1

| Site ID | Site Name | Location |
|---------|--|--|
| 38613 | Demo/Training site. AKA Olivia's site | Somewhere in Tennessee that regulation, remediation or enforcement could occur. This could also be some place that TSP,DNA could be a service to our citizens. |

Export to Excel


1 - 1

5. Once on the Site Page, Find and Click the “Add NRS” in the NRS box.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SWM Facilities on this Site

| | <u>Division</u> | <u>Facility Id</u> | <u>Primary Name</u> |
|---|-----------------|--------------------|---------------------|
|  | SWM | test1 | Test1 |

1 - 1

Add Facility

NRS (Non Registered Sites)

no data found

Add NRS 

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

6. Populate everything² on the screen and click Create.

NRS Information

Cancel (back to Page 1)
Create

Xref Sites Id

Division **SWM**

☐ **Epa Division** Local ▼

Primary Name Demo/Training site.AKA Olivias site

Registry Id

☒ **NRS ID Number** NRS010000001

Site Id 38613

Status NRS ▼

County Davidson ▲

City Nashville ▲

Address Somewhere in Tennessee that regulation

Category NRS ▼

² **ASSIGNING NRS NUMBER -**

Field Offices are to assign Non-Registered Site (NRS) identification numbers as follows:

The first NRS in Shelby County to receive an identification number would be numbered:

NRS790000001

NRS – Control Prefix that represents Non-Registered Sites

79 – County Code

000 – Three Numerals (formerly the Field Office Number)

0001 – Four Number Sequencing Code

If the Field Office receives multiple complaints in a day that lead to the creation of multiple NRS identification numbers being created, the sequencing number will increase based on when the complaint was received.

- **NRS790000001**
- **NRS790000002**
- **NRS790000003**

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 7: UPLOADING DOCUMENTS INTO WASTEBIN

This Section provides an example of how to upload the 1st NOV. Open Wastebin and click on **Complaints**. Open the site by clicking on the correct **Site_ID** then click on **Add Document** (Blue Arrow).

WM BG35070 | Home | Docs (IR) | Print | Change Password | My |

» Sites, Facilities, Permits & Documents | Complaints | Inspections | Enforcement | Certifications | Special Waste | NRS

SITE INFORMATION

Cancel Apply Changes Get LL

Site ID **111188**

Site **19 street**

County - **Campbell** EFO - Knoxville

Other Counties

Site Location **515 19 th street**

Site City **LaFollette**

Zip **37755**

Site Description **Illegal dump site of a meth house.**

Latitude **36.37865**

Longitude **-84.13755**

Lat Long source **Other WWW Mapping Services**

Entered by **RRM**

Entered on **04-OCT-16**

Owner **Lynn Lethner/John Lethner**

Comments

Last updated 04-OCT-2016 07:51AM
Updated by BG35008 (Ryan Miller)

ACME Mapper Google Map TDEC GIS

Locator Map

Reset Map Map Help

Click map to select lat/lon values.

Lat **36.378650**

Lon **-84.137550**

Zoom Copy Data

Add Enter Address... City Enter City... Zip Enter Zip... Zoom Copy Data

County, Watershed & Parcel

Copy Data

Streets Aerial Community USGS

0 0.2 0.4mi

SWM Facilities on this Site

no data found

Add Facility

NRS (Non Registered Sites)

| Division | Facility Id | Primary Name |
|----------|--------------|--------------|
| SWM | NRS070001228 | 19 street |

1 - 1

Add NRS

Other TDEC Facilities on this Site

Permits and other Non-Inspection Documents

Add Document

| View | Description | File Type | Permit No | Effective Date | Lastupdated |
|------|--|-----------|-----------|----------------|-------------|
| | Pictures of Illegal dump at 515 19th Street, La Follette, TN | Photo | | 04-OCT-16 | 04-OCT-16 |

Continue to next page

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Click on **Browse** (Blue Arrow) and locate the NOV, then select the NRS number; type “First NOV” in the **Description/Keywords** (Green Arrow); Select “Outgoing” (Yellow Arrow); Select “Notice of Violation” for Type of File (Purple Arrow); Select Inspector’s Initials for Author (Orange Arrow); Select the date of the NOV for (Effect Date’ and “Mailed Date” (Black Arrow); Select 35 days after the “Effective Date” for the “Response Due Date” (Gold Arrows); click on **Submit** (Red Arrow).

The screenshot shows a web form titled "SUBMIT FILE to TBL_DOCUMENTS". The form contains the following fields and controls:

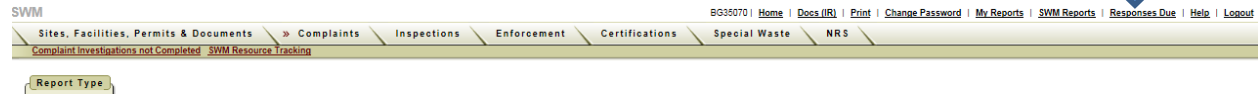
- Site ID:** 111188 (radio button selected)
- Permit No (if available):** % (dropdown menu)
- Facility Id:** NRS070001228 19 street (dropdown menu)
- File Name:** C:\Users\Public\Pictures\Sample Pictures\Koala.jpg (text field) with a **Browse...** button (blue arrow pointing to it).
- Description / Keywords:** FIRST NOV (text field) (green arrow pointing to it).
- Outgoing or Incoming:** Outgoing (dropdown menu) (yellow arrow pointing to it).
- Type of File:** Notice of Violation (dropdown menu) (purple arrow pointing to it).
- Author:** NBL (text field) (orange arrow pointing to it).
- Effective Date:** 04-Apr-2017 (calendar icon) (black arrow pointing to it).
- Mailed Date:** 04-Apr-2017 (calendar icon) (black arrow pointing to it).
- Response Due Date:** 11-May-2017 (calendar icon) (gold arrow pointing to it).
- Inspection Number:** (empty text field)
- Submit:** (button) (red arrow pointing to it).
- Cancel:** (button) (top right).

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 8: UPDATE “RESPONSE RECIEVED” IN WASTEBIN

On the opening page of WasteBin click on **Response Due**



Select “Report by EFO” (Blue Arrow); Select “12” for “Months to Display” (Green Arrow); Select your FO for “EFOM Name” (Yellow Arrow) – Wastebin will provide a list of documents with “Response Due” dates - click on **Edit** (Red Arrow) for the appropriate document.



Select the “Response Received” date as the date that a required document was received or the date a follow-up inspection was completed (Blue Arrow). Type in the comment area what document was received or that a follow up inspection was conducted (Green Arrow). Click on **Apply Changes** to save (Red Arrow).


SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SWM

| Sites, Facilities, Permits & Documents | Complaints | Inspections | Enforcement | Certific |
|---|--|----------------------|---------------------|----------|
| Parent Site Name <u>Southeast Recycling Technologies Handling Facility</u> | Site Location 108 Kwickway Lane Building #4 TNR 00-002-3234 | County Washington | EFO Johnson City | |

Documents

Cancel Delete **Apply Changes** 
 Replace Document


Site ID 9989 .. Southeast Recycling Technologies Handling Facility .. 108 Kwickway LaneBj

Facility Id

Permit Number %

Permittee



File Name 819967405257733643/TNR 00 002 3234 IN 8-2-2016 SERT #4 NOV.pdf



Description CEI report, Building #4 



In Out Ref Outgoing


File Type Notice of Violation

Priority Routine Commish Tracking No



Author Bethanie Glynn .. (865) 854-5434  Draft Prepared on 


Supervisor  Draft Approved on 




Manager  Final Signed on 


Effective Date 02-AUG-2016 


E Mailed No

Mailed By  Mailed Date 18-AUG-16 

Filed Date  File Folder Name

Response Due 15-SEP-2016   Response Received 

Comment 

Enforcement Mngr Review 

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????**Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations****APPENDIX A****Access to Property Examples**

Below are some situational examples and guidance for DSWM inspectors when investigating sites located on private property.

1. If No Residence is Visible or on the Property.

If there is no residence on the property, then the inspector can conduct his or her investigation under the authority of Tenn. Code Ann. § 68-211-105(d). The inspector has the authority to investigate even if there is a No Trespassing sign posted. However, the inspector should consider where the sign is placed and how many signs are posted, as well as other important factors such as whether entry onto the property is blocked by a gate, fence, or chains.

2. Residence on Site but Not Near the Disposal Area.

If there is a residence on the property, then the inspector should evaluate whether the disposal area is near the house. If the disposal area is not near the house, then the Fourth Amendment is not implicated, and the inspector can use the authority of Tenn. Code Ann. § 68-211-105(d) to conduct the investigation. Even though there is no residence on the site, it is prudent to consider the presence of No Trespassing signs and whether the property has been blocked by a fence, gate, etc.

3. If the Inspector Needs to Inspect Near the House.

If the inspector finds the need to inspect near a house in an area that may be considered the curtilage, the inspector has the right to approach the front door, knock, explain to the occupant that they are there to investigate a complaint, and ask if they could walk around the area to investigate. If the occupant questions the inspector's authority, then the inspector can reference the statute and explain that they have the authority to be there and investigate. If the occupant does not grant access, then the inspector should leave. **Remember, at all times, regardless of whether an inspection near the house is necessary, the inspector has the option of approaching the door and knocking in order to speak to the property owner.*

4. If Someone Approaches the Inspector When He or She Is Not Near a House.

If the inspector is conducting an investigation under either scenario one or two above, but someone approaches the inspector demanding that they leave, the inspector should calmly explain that Tenn. Code Ann. § 68-211-105(d) gives them the authority to be on the property. Furthermore, if the inspector deems it appropriate, he or she can tell the person that Tenn. Code Ann. § 68-211-117(a) states that the Division can assess civil penalties against a person who does not allow access. If the person is hostile, or similarly, if the person has given permission but then revoked it, the inspector should leave the premises and should document the entrance attempt and denial, including any facts gleaned about the property owner or occupant. He or she should then immediately report the incident to a supervisor and/or the Environmental Field Office Manager. At that point, a decision could be made to reach out to local law enforcement to request that an officer escort the inspector

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

back to the site. Depending on the circumstances, the EFOM may also notify the Enforcement Manager and Deputy Director of Field Office Operations, who can bring the matter to the Office of General Counsel if necessary.

5. If a Site is Near a House, but there is a Public Vantage Point.

If a site is near a residence in an area that may be considered the curtilage, an inspector has the option to “knock and talk” as outlined in scenario three. However, an inspector also has the option of observing the area from a public vantage point. This option may be particularly useful if one or more No Trespassing signs are present or if there a gate, locks, chains, etc. A public vantage point may be a street, sidewalk, or other public property.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

APPENDIX B

Other WasteBin Instructions

| | |
|---|----|
| ADDING COMPLAINTS TO AN EXISTING NRS | 24 |
| ADDING COMPLAINTS TO A PERMITTED FACILITY | 26 |

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Adding Complaints to an Existing NRS

Connecting a Complaint to an NRS is very similar to connecting to a Facility. Navigate to the NRS list and click on the appropriate Site ID.



Use the search box to find the NRS but using partial names or other information such as directly typing in the NRS number.

Search box: Go Rows: 15 Actions: ▾

Row text contains 'arnold' ×

| Xref Sites Id | Facility Id | Category | Primary Name | County | Site Id | Latitude | Longitude | Status | City | Address | Efo Name |
|---------------|--------------|----------|--------------------|-----------|---------|-----------|------------|--------|-------|------------------|----------|
| 114037 | NRS390003333 | NRS | Arnold Residential | Henderson | 110927 | 35.633316 | -88.528913 | NRS | Huron | Beech Grove Road | Jackson |

Click on the Site ID

Scroll down and look for a Complaints Region in the Right Hand Column. Click Add Complaint.

Complaints

| Div | Facility ID | Concerning | Status | Received |
|-----|--------------|------------|--------|-----------|
| SWM | NRS390003333 | Tires | NOV | 17-AUG-16 |

1 - 1

Add Complaint

Notice that unlike starting with a blank complaint report, the location and Site ID info has been pre-populated.

Add the appropriate NRS or Facility ID from the Drop-down box.


SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????



Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations


COMPLAINT


Complaint Number

Division **SWM**



☐ Date Received 


Received by  



How Received 



☐ Concerning 


Concerning (Haz Waste & Other)

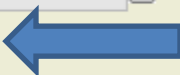
Assigned By  

Assigned Date 

Assigned To  

Site ID  


Facility ID or NRS 



Location based on SITE_ID

| | |
|--------------------|--------------------|
| <u>Site ID</u> | 110927 |
| <u>Site</u> | Arnold Residential |
| <u>Location</u> | Beech Grove Road |
| <u>City</u> | Huron |
| <u>Description</u> | Residential |
| <u>County</u> | Henderson |
| <u>EFO Name</u> | Jackson |
| <u>Site Owner</u> | Nancy Arnold |

Enter all other info and click Create.

Note that you will now be able to assess this complaint from the NRS, Site or Complaint pages and clicking on the  icon to make edits and changes.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Adding Complaints to a Permitted Facility

If you have a complaint against a landfill or other permitted facility, you'll want to document that against the facilities records regardless of merit.

Navigate to the facility list and click on the appropriate Site ID (red arrow).

Search

- ☐ General
- ☐ Sites
- ☐ Permits
- ☐ Contacts
- ☐ Documents
- ☐ HazWaste Facilities
- ☒ Solid Waste Facilities

Solid Waste Facilities(IR)

1. Primary Report
 15

☒

Row text contains 'ews'

1 - 3 of 3

| Facility Id | Status | Category | Primary Name | County | EFO | Address | City | Site Id |
|------------------------------|-----------|-------------|-------------------------------|----------|-------------|-----------------------|------------|-----------------------|
| IDL540000079 | Operating | Class li | Bowater Newsprint Landfill | McMinn | Chattanooga | 5020 Highway 11 South | Calhoun | 4858 |
| IDL030000212 | Operating | Class li | EWS Camden Class II Landfill | Benton | Jackson | 200 Omar Circle | Camden | 9483 |
| CCC350000413 | Operating | Convenience | Whiteville Convenience Center | Hardeman | Jackson | 897 Newsom Road | Whiteville | 51850 |

1 - 3 of 3

Scroll down and look for a Complaints Region in the Right Hand Column. Click Add Complaint.

Complaints

| | Div | Facility ID | Concerning | Status | Received |
|-------------------------------------|-----|--------------|------------|----------------------------------|-----------|
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | No Problem Found | 20-OCT-16 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | No Problem Found | 12-OCT-16 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | Corrected (No NOV) | 18-AUG-16 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | NOV | 29-JAN-16 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | NOV | 06-JAN-16 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | NOV | 16-DEC-15 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | NOV | 25-NOV-15 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | No Problem Found | 04-FEB-15 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | Corrected (No NOV) | 19-JAN-15 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | Corrected (No NOV) | 24-NOV-14 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | Referred to other Agency/Section | 03-NOV-14 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | No Problem Found | 05-SEP-14 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | No Problem Found | 06-AUG-14 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | Corrected (No NOV) | 22-JUL-14 |
| <input checked="" type="checkbox"/> | SWM | IDL030000212 | Other | No Problem Found | 06-JUL-14 |

row(s) 1 - 15 of 29

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Notice that unlike starting with a blank complaint report, the location and Site ID info has been pre-populated.

Add the appropriate NRS or Facility ID from the Drop-down box (blue arrow).

COMPLAINT

Complaint Number

Division **SWM**

☒ Date Received

Received by

How Received

☒ Concerning

Concerning (Haz Waste & Other)

Assigned By

Assigned Date

Assigned To


Site ID

Facility ID or NRS

Location based on SITE_ID

| | |
|--------------------|---|
| Site ID | 9483 |
| Site | Environmental Waste Solutions, LLC, aka EWS |
| Location | 200 Omar Circle |
| City | Camden |
| Description | Class II Industrial Landfill presently for the disposal of gound aluminum dross |
| County | Benton |
| EFO Name | Jackson |
| Site Owner | Environmental Waste Solutions |

Enter all other info and click Create.

Note that you will now be able to assess this complaint from the Facility, Site or Complaint pages and clicking on the  icon to make edits and changes.

SWM – SWP – P – 137 – Unlawful Disposal Investigations-DRAFT- ?????

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

REVISION HISTORY TABLE

| Revision Number | Date | Brief Summary of Change |
|-----------------|------------------|-------------------------|
| 0 | ???????????????? | Initial |

DRAFT